

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANK KUNKLE, *on behalf of himself and
all others similarly situated*,

Plaintiffs,

-against-

PURE PRESCRIPTIONS, INC.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/8/2024

23-cv-5514 (MKV)


ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter from the plaintiff stating that the parties have reached a settlement in principle [ECF No. 15]. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the parties are unable to memorialize their settlement in writing and as long as the application to restore the action is made by March 11, 2024. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

SO ORDERED.

**Date: February 8, 2024
New York, NY**



MARY KAY VYSKOCIL
United States District Judge